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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRAN, NGHI V

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

②

Office Action Summary	Application No. 09/916,655	Applicant(s) HOREN ET AL.	
	Examiner Nghi V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on February 01, 2006.

Claims 1, 17, and 24 have been amended. Claims 25-54 have been canceled.

Therefore, claims 1-24 are presented for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7-10, 12-14, 17, 19 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Day et al., U.S. Patent No. 5,996,025 (hereinafter Day).

4. With respect to claims 1 and 17, Day teaches or suggests a server computer [e.g. control server **40**] for use in a computer network [**30**] having at least one client computer [e.g. client application server **20**], the server computer characterized in that the server computer: sends media assets [e.g. assets are digital multimedia content resources, col.3, Ins.59-60] over said computer network to said client computer [col.3, Ins.4-23], the server computer coupled to at least one file system [e.g. storage &

Art Unit: 2151

distribution **64**] organized into a plurality of asset groups [col.3, ln.59 – col.4, ln.34], each asset group comprising at least one media asset [e.g. organizing assets into asset groups, col.3, ln.63], all media assets within an asset group sharing storage medium bandwidth and storage space on the server computer that is reserved for the asset group [i.e. bandwidth is also reserved for different assets, col.6, lns.10-12 and col.6, ln.56] for guaranteeing a specified number of simultaneous playouts for each media asset within the asset group [col.5, ln.4 – col.5, ln.33 and col.6, lns.6-24].

5. With respect to claims 4 and 19, Day further teaches wherein the asset group is limited to a maximum bit rate [i.e. maxScale, see “Stream Operations” table] at which any single media asset belonging to the asset group can be played out, further comprising an attribute [i.e. msAssetGrpAttr_t, see “Asset Management” table] which indicates the maximum bit rate [col.15, ln.18 – col.16, ln.19].

6. With respect to claims 7 and 21, Day further teaches an asset group policy placement module [i.e. asset management] that places an asset group within the file system [col.3, ln.59 - col.4, ln.14 and see “Asset Management” table].

7. With respect to claims 8 and 22, Day further teaches the asset group policy module distributes the asset group across multiple file systems [col.4, lns.4-9].

Art Unit: 2151

8. With respect to claim 9, Day further teaches a media asset placement policy module that places media assets within the asset group [col.3, ln.59 - col.4, ln.14 and see "Asset Management" table].

9. With respect to claims 10 and 23, Day further teaches the media asset placement policy module places media assets within asset groups based on said reserved storage medium bandwidth and storage space [col.6, lns.6-25 and col.4, lns.4-9].

10. With respect to claim 12, Day further teaches wherein said media asset includes an asset selected from the set consisting of audio, text, graphics, image, symbol, video, information item or token, and combination thereof [col.5, lns.34-37].

11. With respect to claim 13, Day further teaches wherein said media asset comprises an audio, a video, or an audio-video media asset [col.5, lns.34-37].

12. With respect to claim 14, Day further teaches wherein said server computer comprises a mass storage subsystem [col.5, lns.34-37 and col.4, lns.44-59] and said file system organized into said plurality of asset group is defined in said mass storage subsystem [col.4, lns.4-14].

Art Unit: 2151

13. With respect to claims 15 and 16, Day further teaches wherein said mass storage subsystem comprises at least one hard disk drive [col.4, lns.4-9].

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al., U.S. Patent No. 5,996,025 (hereinafter Day).

16. With respect to claim 2, Day does not explicitly show each media asset belongs to only one asset group. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify each media asset belongs to only one asset group because this feature avoids the conflict among the asset groups. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to optimize multimedia content loading and data streaming to users in a distributed computer system for multimedia serving.

17. Claims 3, 5-6, 11, 18, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day as applied claims 1 and 17 above, in view of RealNetworks,

Art Unit: 2151

"RealServer Administration Guide",

<http://service.real.com/help/library/guides/g270/realsrvr.htm> (hereinafter Administration).

18. With respect to claim 3 and 18, Day does not explicitly show the asset group is limited to a maximum number of simultaneous playouts for the media assets contained within the asset group and further comprises an attribute that designates the number of simultaneous playouts.

In a communication system for multimedia serving, Administration suggests or discloses the asset group is limited to a maximum number of simultaneous playouts [] for the media assets contained within the asset group and further comprises an attribute that designates the number of simultaneous playouts [pages 209-211].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Day in view of Administration by limiting the asset group to a maximum number of simultaneous playouts because this feature enables the server to lower threshold of the connections. One of ordinary skill in the art at the time of the invention would have been motivated to modify in order to avoid bottleneck and system crash.

19. With respect to claim 5, Day does not explicitly show the asset group is associated with a guaranteed possible playouts value that guarantees the number of playouts from each asset belonging to the asset group assuming no other asset is being

Art Unit: 2151

played out at the same time, further comprising an attribute which indicates the guaranteed possible payouts value.

In a communication system for multimedia serving, Administration suggests or discloses the asset group is associated with a guaranteed possible payouts value that guarantees the number of payouts from each asset belonging to the asset group assuming no other asset is being played out at the same time, further comprising an attribute which indicates the guaranteed possible payouts value [pages 209-211].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Day in view of Administration by associating the asset group with a guaranteed possible payouts value because this feature increases QoS such as reliability. One of ordinary skill in the art at the time of the invention would have been motivated to modify in order to avoid bottleneck or system crash at any given time.

20. With respect to claims 6, 20, and 24, Day does not explicitly show a default guaranteed possible payouts value.

In a communication system for multimedia serving, Administration discloses a default guaranteed possible payouts value [pages 209-211 i.e. "If it is 0 or blank, RealServer uses the number of streams specified by your license"].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Day in view of Administration by adding a default guaranteed possible payouts value because this feature increases QoS such as

Art Unit: 2151

reliability by automatically setting possible playout value when it has not been setting yet. One of ordinary skill in the art at the time of the invention would have been motivated to modify in order to avoid bottleneck or system crash when users forgot to set the guaranteed possible playlouts value.

21. With respect to claim 11, Day does not explicitly show the media asset placement policy module restricts the placement domain of the domain of the media asset to the asset group distribution of storage space and storage bandwidth.

In a communication system for multimedia serving, Administration discloses restricts the access to content by limiting the amount of bandwidth that can be in use and limiting the number of clients that can connect [chapter 14].

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Day in view of Administration by restricting the placement domain of the domain of the media asset to the asset group distribution of storage space and storage bandwidth because this feature uses to load balancing the bandwidth. One of ordinary skill in the art at the time of the invention would have been motivated to modify in order to share the bandwidth among the asset groups.

Response to Arguments

22. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2151

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER